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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT SEATTLE**

10 GEORGE E. ENGSTROM, et al.,

11 Plaintiffs,

12 v.

13 MICROSOFT CORPORATION,

14 Defendant.

CASE NO. C15-0462JLR

ORDER REMANDING CASE TO
STATE COURT

15 Before the court are the parties' responses to the court's April 7, 2015, order to
16 show cause. (Plf. Resp. (Dkt. # 13); Def. Resp. (Dkt. # 12).) The court previously
17 ordered Defendant to show cause why the case should not be remanded to King County
18 Superior Court for lack of subject matter jurisdiction. (4/7/15 OSC (Dkt. # 11).) The
19 court noted that although Defendant sought to invoke the court's federal question subject
20 matter jurisdiction under 28 U.S.C. § 1331, Plaintiffs raised only state law claims. (*Id.* at
21 2.) The court further found that Defendant's notice of removal did not establish the four
22 elements necessary to provide federal jurisdiction over those claims, namely, that

1 “a federal issue is: (1) necessarily raised, (2) actually disputed, (3) substantial, and (4)
2 capable of resolution in federal court without disrupting the federal-state balance
3 approved by Congress.” (See *id.* at 2 (citing *Gunn v. Minton*, --- U.S. ---, 133 S. Ct.
4 1059, 1065 (2013); *Grable & Sons Metal Prods. Co. v. Darue Eng’g & Mfg.*, 545 U.S.
5 308, 312 (2005)).) The court stated that it would remand the action unless Defendant
6 showed that the court had subject matter jurisdiction. (*Id.* at 3.)

7 In its response to the order to show cause, Defendant now states that it does not
8 oppose remand to state court. (See Def. Resp.) Defendant puts forth no argument in
9 favor of subject matter jurisdiction. (See *id.*) Accordingly, for the reasons set forth in its
10 April 7, 2015, order to show cause, the court remands the case to state court for lack of
11 subject matter jurisdiction. See *United Investors Life Ins. Co. v. Waddell & Reed, Inc.*,
12 360 F.3d 960, 966 (9th Cir. 2004); 28 U.S.C. § 1447(c) (“If at any time before final
13 judgment it appears that the district court lacks subject matter jurisdiction, the case shall
14 be remanded.”)

15 The court ORDERS that:

- 16 1. Pursuant to 28 U.S.C. §§ 1447(c) and 1447(d), all further proceedings in this
17 case are REMANDED to the Superior Court for King County in the state of
18 Washington,
- 19 2. The Clerk of the Court shall send copies of this order to all counsel of record
20 for all parties,

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3. Pursuant to 28 U.S.C. § 1447(c), the Clerk of the Court shall mail a certified copy of the order of remand to the Clerk of the Court for the Superior Court for King County, Washington,
4. The Clerk of the Court shall also transmit the record herein to the Clerk of the Court for the Superior Court for King County, Washington,
5. The parties shall file nothing further in this matter, and instead are instructed to seek any further relief to which they believe they are entitled from the courts of the state of Washington, as may be appropriate in due course, and
6. The Clerk of the Court shall CLOSE this case.

Dated this 21st day of April, 2015.

John P. Blot

JAMES L. ROBART
United States District Judge